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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,382	10/26/2001	Srinivas Gutta	US010532	4632

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EXAMINER

LAI, ANNE VIET NGA

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/043,382	GUTTA ET AL.
	Examiner	Art Unit
	Anne V. Lai	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1,2,4,6-9 and 13-21 is/are rejected.
 7) Claim(s) 2,3,5,10 and 12 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03/01/02 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2, 9 and 12 are objected to because of the following informalities:

In claim 2, line 6, and claim 9, line 13, examiner suggests change "gradually" to -- further--.

In claim 12, line 3 after "electronic", --devices-- should be added.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6, 8-9, 11, 13-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pacher** in view of **Curry** [US. 3,922,665].

Regarding claim 1, **Pacher** discloses a method to control alarm clock signals by tracking the behavior (motion detection, col.3, line 40) of a person in a predetermined area under surveillance (the range of action of the transmitter 2 extends so far as to the person bed, col.5 lines 67-68 and col.6 lines 2-3) after the activation of the alarm clock.

Pacher does not disclose gradually increase the alarm clock signals. **Curry** teaches a method for adjusting an audio stimulus signal based on the behavior of a sleepy person by determining whether the person is motionless within a first predetermined time period, and if motionless, gradually increasing the audio stimulus signal (abstract, lines 7-8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply **Curry** teaching to **Pacher** clock alarm to better stimulate the sleeper to effectively wake him up by gradually increase intensity of the alarm clock signals.

Regarding claim 2, **Curry** determines whether the person is motionless within a second predetermined time period; and if motionless, further increasing the wake-up signal (more severe stimulus is generated if no response is received within a predetermined time, abstract line 10-14, and col.2 lines 20-22).

Regarding claim 9, the combined **Pacher** and **Curry** method provides adjusting the wake-up signals of an alarm clock to assist in awaking a person, the method comprising steps of:

- (a) setting a wake-up time in the alarm clock to activate the wake-up signals when the set time matches a current time (Pacher's claim 1);
- (b) determining whether the person is motionless for a first predetermined time period (time delay 6 in Pacher's fig.1, and Curry's claim 1) after the activation of the alarm clock by tracking (motion) behavior in a predetermined area under surveillance (range of action of transmitter 2 in Pacher 's fig.1);

- (c) if motionless, gradually increasing the wake-up signals of the alarm for a second predetermined time period (Curry's claim 3);
- (d) monitoring behavior of the person for a third predetermined time period; and
- (e) if motionless, further increasing the wake-up signals of the alarm clock for a fourth predetermined time period (Curry's claim 4).

Regarding claims 4 and 11, **Pacher and Curry** alarm clock comprises the steps of gradually increasing the electrical power supplied to a plurality of electronic devices (the tactile, auditory and visual alarm devices) coupled to the alarm clock according to predetermined criteria if the person is motionless.

Regarding claims 6 and 13, the combined **Pacher and Curry** method comprises step of deactivating (shut-off) the alarm clock if the person is not motionless.

Regarding claim 8, the behavior of the person is tracked with a motion sensor (Pacher, col.3 line 40).

Regarding claim 14, **Pacher and Curry** wake-up signals include combination of tactile, auditory and light (Curry, col.2, line 39).

Regarding claim 15, **Pacher and Curry** disclose an alarm clock system for adjusting wake-up signals comprising:

a detecting means (receiver 3 in Pacher' fig. 1) for observing the behavior (motion) of a person in a predetermined area under surveillance (range of action of transmitter 2);

an analyzing means (elements 4, 5, 6, 7 and 8 in Pacher's fig.1) for analyzing output data from the detection means to determine whether the person is motionless for a predetermined time period;

a speaker (element 12 in Pacher's fig.1) coupled to the analyzing means for producing the wake-up signals; and

a control means for generating a control signal to gradually increase the wake-up signals based on whether the person is motionless (Curry).

Regarding claim 16, **Pacher and Curry** alarm clock system further comprises an adjusting means for adjusting the electrical power supplied to a plurality of devices (tactile, auditory and visual alarm devices) coupled to the control means.

Regarding claim 17, **Pacher and Curry** alarm clock system includes means for setting an alarm time.

Regarding claim 18, **Pacher and Curry** alarm clock system comprises a battery power source.

Regarding claim 20, **Pacher and Curry** alarm clock observing means includes a sensor.

Regarding claim 21, **Pacher and Curry** alarm clock wake-up signals includes a combination of sound and light.

4. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pacher and Curry** in view of **Pirim** [US. 6,304,187].

Regarding claim 7 and 19, **Pacher** and **Curry** do not disclose the behavior of the person is tracked with cameras. **Pirim** shows a method and system for tracking behavior (blinking eyes) of a person to detect drowsiness using a camera, when the blinking eye duration exceeds a limit an alarm signal with increasing sound is generated for waking up the person (col.14, line 7-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the combination of **Pacher**, **Curry** and **Pirim** method and system to observe behavior of a person using a camera and generating a gradually increase wake-up signal based on his behavior.

Response to Arguments

5. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Claims 3, 5, 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2636

Blackman discloses a lamp and alarm clock with gradually increasing light or sounds. [US. 6,236,622]

Shaffer discloses a light source with gradually changing intensity .[US.5,008,865]

Lidor discloses a telephone alarm.[US.5,373,488]

Goetzberger discloses an electronic clock with solar cell and rechargeable battery.[US.4,763,310]

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 703-305-7925. The examiner can normally be reached on 8:30 am to 6:00 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4800.

AVL
A. V. Lai
July 23, 2003

JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600